

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SANDRA HARRIS,)	
)	
Plaintiff)	
vs.)	CIVIL ACTION
)	FILE NO. 1:09-cv-1924
UNIFUND CCR PARTNERS et al.,)	
)	
Defendant)	JURY TRIAL DEMANDED

ANSWER

FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

A final judgment in a court of competent jurisdiction, to wit, the State Court of DeKalb County, has been entered in an action involving the same parties, to wit, Unifund CCR Partners a/o First USA Bank v. Sandra Harris, civil action no. 07-A-78224-6, and said judgment precludes the re-litigation of some or all of the claims and some or all of the issues sought to be raised by Plaintiff herein. Defendant pleads the defenses of res judicata and collateral estoppel.

THIRD AFFIRMATIVE DEFENSE

Any injuries Plaintiff has allegedly suffered as a result of Defendants' alleged actions were in fact caused by the negligence of Plaintiff, which negligence equaled or

exceeded that of the Defendant. Defendant pleads the defenses of comparative and contributory negligence.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's attempt to use a federal claim and cause of action to modify and/or annul the final judgment of a state court of competent jurisdiction is barred by the Rooker-Feldman doctrine; therefore this action must be dismissed.

FIFTH AFFIRMATIVE DEFENSE

Any noncompliance by Defendant with the provisions of the Fair Debt Collection Act was unintentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

ANSWER TO NUMBERED PARAGRAPHS

1.

Defendant admits the allegations of paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits that it does not maintain a registered office or agent in the State of Georgia but denies the remaining averments of paragraph 2 of Plaintiff's Complaint.

3.

Defendant denies the allegations of paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the allegations of paragraph 4 of Plaintiff's Complaint
(insofar as it relates to the judgment of the State Court of DeKalb County.)

5.

Defendant admits the allegations of paragraph 5 of Plaintiff's Complaint.

6.

Defendant denies the allegations of paragraph 6 of Plaintiff's Complaint.

7.

Defendant denies the allegations of paragraph 7 of Plaintiff's Complaint.

8.

Defendant denies the allegations of paragraph 8 of Plaintiff's Complaint.

9.

Defendant denies the allegations of paragraph 9 of Plaintiff's Complaint.

10.

Defendant denies the allegations of paragraph 10 of Plaintiff's Complaint.

11.

Defendant admits the allegations of paragraph 11 of Plaintiff's Complaint.

12.

Defendant can neither admit nor deny the allegations of paragraph 12 of Plaintiff's Complaint as the same constitute a contention of law; accordingly the same are deemed to be denied.

13.

Defendant can neither admit nor deny the allegations of paragraph 13 of Plaintiff's Complaint as the same constitute a contention of law; accordingly the same are deemed to be denied.

14.

Defendant can neither admit nor deny the allegations of paragraph 14 of Plaintiff's Complaint as the same constitute a contention of law; accordingly the same are deemed to be denied.

15.

Defendant denies the allegations of paragraph 15 of Plaintiff's Complaint.

16.

Defendant denies the allegations of paragraph 16 of Plaintiff's Complaint.

17.

Defendant can neither admit nor deny the allegations of paragraph 14 of Plaintiff's Complaint as the same constitute a contention of law; accordingly the same are deemed to be denied.

18.

Defendant denies the allegations of paragraph 18 of Plaintiff's Complaint.

19.

Defendant denies the allegations of paragraph 19 of Plaintiff's Complaint.

20.

Defendant incorporates by reference the corresponding preceding paragraphs of this pleading.

21.

Defendant denies the allegations of paragraph 21 of Plaintiff's Complaint.

22.

Defendant denies the allegations of paragraph 22 of Plaintiff's Complaint.

23.

Defendant incorporates by reference the corresponding preceding paragraphs of this pleading.

24.

Defendant denies the allegations of paragraph 24 of Plaintiff's Complaint.

25.

Defendant denies the allegations of paragraph 25 of Plaintiff's Complaint.

WHEREFORE Defendant prays that Plaintiff recover nothing of Defendant and that Defendant shall have such other and further relief as shall be meet and just.

This the 20th day of July, 2009.

FREDERICK J. HANNA & ASSOCIATES, P.C.

By: /s/James T. Freaney

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CERTIFICATE OF SERVICE

This is to certify that I have this day filed electronically the foregoing ANSWER with the Clerk of the Court by using the CM/ECF system which will automatically send email notification of such filing electronically to the following attorneys of record:

William R. Carlisle
1670 McKendree Church Road
Building 300 Suite B
Lawrenceville GA 30043

This the 20th day of July, 2009.

FREDERICK J. HANNA & ASSOCIATES, P.C.

By: /s/James T. Freaney

State Bar No. 274902
Attorney for Defendant

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